

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOHN FRATUS,

Plaintiff,

v.

J. GOMEZ,

Defendant.

No. 2:21-CV-1867-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. An answer has been filed and the case is now at issue.

The undersigned is referring all post-screening civil rights cases filed by pro se state inmates to the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such cases more expeditiously and less expensively. Defense counsel from the Office of the California Attorney General has agreed to participate in this pilot project. No defenses or objections shall be waived by their participation.

As set forth in the screening order, Plaintiff has stated a potentially cognizable civil rights claim. Thus, the Court stays this action for a period of 120 days to allow the parties to investigate Plaintiff's claims, meet and confer, and then participate in a settlement conference.

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1           There is a presumption that all post-screening prisoner civil rights cases assigned  
2 to the undersigned will proceed to settlement conference.<sup>1</sup> However, if after investigating  
3 Plaintiff's claims and speaking with Plaintiff, and after conferring with defense counsel's  
4 supervisor, defense counsel in good faith finds that a settlement conference would be a waste of  
5 resources, defense counsel may move to opt out of this pilot project.

6           Accordingly, IT IS HEREBY ORDERED that:

7           1. Defendant's motion, ECF No. 17, for an extension of time to file an answer  
8 is granted and Defendant's answer filed on May 25, 2022, is deemed timely;

9           2. Plaintiff's motion, ECF No. 22, for referral of this matter for a settlement  
10 conference is granted;

11           3. This action is stayed for 120 days from the date of this order to allow the  
12 parties an opportunity to settle their dispute before the discovery process begins. Except as  
13 provided herein or by subsequent court order, no other pleadings or other documents may be filed  
14 in this case during the stay of this action. The parties shall not engage in formal discovery, but  
15 the parties may elect to engage in informal discovery.

16           4. Any motion to opt out of the Post-screening ADR Project shall be filed  
17 within 30 days from the date of this order.

18           5. If a settlement is reached at any point during the stay of this action, the  
19 parties shall file a Notice of Settlement in accordance with Local Rule 160.

20           6. The parties remain obligated to keep the Court informed of their current  
21 addresses at all times during the stay and while the action is pending. Any change of address must  
22 be reported promptly to the Court in a separate document captioned for this case and entitled  
23 "Notice of Change of Address." See Local Rule 182(f).

24 Dated: June 22, 2022

  
DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE

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28           <sup>1</sup> If the case does not settle, the Court will issue a discovery and scheduling order.